IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 21806 of 2004

Between:

C.Anandam, S/o Buchi Raj,
R/o.1-2-44, Christian Colony,

M'nagar 509001. ..... PETITIONER

AND

1 The Vice Chairman & Housing Commissioner,
Housing Board, Hyderabad.
2 The Executive Engineer, Housing North Division,

A.P.H.B., Hyderabad. .....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pass an order, direction or writ, particularly, in the nature of Writ of Mandamus declaring the proposed auction of the 1st respondent dt.4-12-2004 by their notice in the Vartha dt.20-11-2004 as illegal, arbitrary and against the fundamental rights of the petitioner and set aside the same only so far as the petitioner's House No.54/MIG Ghatchibowli, R.R.Dist is concerned.

Counsel for the Petitioner: Mr.AKELLA.SREENIVAS RAO

Counsel for Respondents : Mr.J.PRABHAKAR RAO

The Court at the stage of admission, made the following :

ORDER:

Questioning the action of the 2nd respondent in issuing auction Notification No.2861/DB/EE(Hg)N/2004, dated 8.11.2004 in so far as Sl.No.12 (beside H.No.54/MIG) stray piece of land admeasuring 150 sq. yards is concerned and consequently to direct the respondents to allot the said land to the petitioner on payment of market value, the present writ petition is filed.

The petitioner claims to be owner of H.No.54/MIG in Phase-I, Gachibowli, having allotted by the A.P. Housing Board vide allotment letter No.54/MIG/GB/PHI/EE(N)/98 dated 20.7.1998. It is stated that adjacent to the above property, there is an open land admeasuring 150 sq.yards belonging to Housing Board. Through letter dated 28.11.2003, petitioner made a representation to the second respondent to allot the said piece of land in his favour and the second respondent also recommended to the first respondent for allotment of the said land. It is contended that the Government has taken a decision vide G.O.Ms.No.49 dated 25.7.2001 for allotment of stray pieces of lands to the adjacent land owners. The grievance of the petitioner in this writ petition is that the respondent-Housing Board without disposing his representation for allotment of the subject land is conducting auction, which is bad.

On 29.11.2004, this Court directed that the proposed auction may go on, but the sale shall not be confirmed and the petitioner shall be entitled to participate in the auction.

The learned counsel appearing on behalf of the petitioner submits that since the petitioner is the adjacent owner of the land in question, his request for allotment of the same may be considered and the petitioner is willing to pay the price offered by the highest bidder for the subject land.

Today when the matter came up for hearing, the learned Standing Counsel for Housing Board submits that the petitioner's case cannot be considered for the reason that regularization of plots will be done only if the land is less than 100 sq.yards and admittedly the subject land is 150 sq.yards and therefore, his case

cannot be considered.

However, both the counsel agreed to dispose of the writ petition with a direction to the petitioner to file an application before the respondent-Housing Board for consideration of his request before confirmation of the sale of land in question in the name of third parties.

Having regard to the facts and circumstances of the case, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to file an application within one week from today before the respondent-Housing Board by indicating his offer of price to the auctioned plot in question. On filing such application, the respondent-Housing Board is directed to consider the same and pass appropriate orders in accordance with law, before confirming the sale of the plot in question.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

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N.V.RAMANA, J

Date: 8.12.2004

Note: C.C. in (3) days.

B/o

DA

To

1 The Vice Chairman & Housing Commissioner,
Housing Board, Hyderabad.
2 The Executive Engineer, Housing North Division,

A.P.H.B., Hyderabad.

3 Two CD copies.